

Caltrans is the steward of California's State highways, and acts to protect the public's investment in the California highway system. Safety of the traveling public and permittees on California highway rights of way is our primary concern. Caltrans cooperates with other public agencies and with private parties to promote the safe use of our highways.

Caltrans issues encroachment permits to:

- Protect, maintain, and enhance the quality of the State highway system during and after permitted work,
- Ensure the safety of both the highway users and the permittees,
- Ensure that the proposed encroachment is compatible with the primary uses of the State highway system,
- Protect the State's and public's investment in the highway facility, and
- Ensure that temporary uses of State highway rights of way for special events, filming, etc. are conducted safely and with minimum inconvenience to the traveling public.

Encroachment permits are issued under the authority of law. In processing permit applications, Caltrans draws upon the extensive experience of its workforce in advising permittees to use safe procedures and equipment.

101 WHAT IS AN ENCROACHMENT PERMIT?

An *encroachment* is defined in the Streets and Highways Code as any tower, pole, pole line, pipe, pipeline, billboard, stand or building, or any structure, object of any kind or character not particularly mentioned in the section, or special event, which is in, under, or over any portion of the highway. "Special event" means any street festival, sidewalk sale, community-sponsored activity, or community-approved activity.

An encroachment permit issued by Caltrans, or issued by an authorized local agency in certain circumstances, is permissive authority for the permittee to enter State highway right of way to construct approved facilities or conduct specified activities. An encroachment permit is a valid contract when accepted by the permittee. Acceptance is acknowledged when any of the specified acts or work is performed under the conditions of the permit.

An encroachment is not a property right. It authorizes only the permittee or the permittee's agent to perform work, and the permittee may not transfer or assign a permit to another party. A permit is not transferred with the property to a new owner at the time of sale. New property owners must apply for and obtain a new permit. This new permit should be issued for notice and records purposes only.

Encroachment permits are not issued to allow building structures to extend into the rights of way, e.g., bay windows, cornices, and decorative features that extend beyond the surface of a building. To do so would grant exclusive use of public property to private entities without compensation (exception: see Advertising Displays Section 501.2).